

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

THE NATIONAL RETIREMENT FUND and the BOARD OF TRUSTEES OF
THE NATIONAL RETIREMENT FUND

DEFENDANTS

See Attached Addendum

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Ronald E. Richman. Schulte Roth & Zabel LLP 919 3rd Avenue, New York
NY 10022. (212)756-2048.

ATTORNEYS (IF KNOWN)

Daniel Petrocelli.

O'Melveny & Myers LLP.1999 Avenue of the Stars, Los Angeles, CA 90067
(310)-246-6850.

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

29 U.S.C. 1132(a)

Judge Previously Assigned

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	BANKRUPTCY
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 422 APPEAL
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	28 USC 158
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	[] 423 WITHDRAWAL
[] 140 NEGOTIABLE INSTRUMENT	[] 320 ASSAULT, LIBEL & SLANDER	PRODUCT LIABILITY	28 USC 157
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	PROPERTY RIGHTS
[] 151 MEDICARE ACT	[] 340 MARINE	PERSONAL PROPERTY	[] 820 COPYRIGHTS
[] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 830 PATENT
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION
[] 160 STOCKHOLDERS SUITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY		[] 840 TRADEMARK
[] 190 OTHER CONTRACT CONTRACT PRODUCT LIABILITY			SOCIAL SECURITY
[] 195 FRANCHISE	ACTIONS UNDER STATUTES	PRISONER PETITIONS	[] 861 HIA (1395ff)
[] 210 LAND CONDEMNATION	CIVIL RIGHTS	[] 463 ALIEN DETAINEE	[] 862 BLACK LUNG (923)
[] 220 FORECLOSURE RENT LEASE & EJECTMENT	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[] 510 MOTIONS TO VACATE SENTENCE	[] 863 DIWC/DIWV (405(g))
[] 230 TORTS TO LAND TORT PRODUCT LIABILITY		28 USC 2255	[] 864 SSID TITLE XVI
[] 240 ALL OTHER REAL PROPERTY		[] 530 HABEAS CORPUS	[] 865 RSI (405(g))
[] 245		[] 535 DEATH PENALTY	FEDERAL TAX SUITS
[] 290		[] 540 MANDAMUS & OTHER	[] 870 TAXES (U.S. Plaintiff or Defendant)
			[] 871 IRS-THIRD PARTY
			26 USC 7609
			IMMIGRATION
			[] 462 NATURALIZATION
		PRISONER CIVIL RIGHTS	APPLICATION
		[] 550 CIVIL RIGHTS	[] 465 OTHER IMMIGRATION ACTIONS
		[] 555 PRISON CONDITION	CONDITIONS OF CONFINEMENT
		[] 560 CIVIL DETAINEE	

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN *x* IN ONE BOX ONLY)

- | | | | | | | |
|---|---|--|---|--|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| <input type="checkbox"/> a. all parties represented | | | <input type="checkbox"/> b. At least one party is pro se. | | | |
| <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) | | | | | | |

(PLACE AN *x* IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: **THIS ACTION SHOULD BE ASSIGNED TO:** WHITE PLAINS MANHATTAN

DATE 5/1/2019 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT # /s/ Ronald E. Richman

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

YES (DATE ADMITTED Mo. 02 Yr. 1982)
Attorney Bar Code # 1769108

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

ADDENDUM

COLONY CAPITAL, LLC

COLONY INVESTORS VI, L.P.

COLONY INVESTORS VII, L.P.

COLONY RIH HOLDINGS LLC

RIH COINVESTMENT PARTNERS, L.P.

RIH VOTECO, LLC

RIH COINVESTMENT VOTECO, LLC

THOMAS J. BARRACK, JR.

RIH RESORTS, LLC